

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHEILA HOLLOWAY, as administrator of the Estate of
Casey Holloway,

Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.
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19-cv-8344 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendants move for entry of the Court's model protective order. Dkt. No. 47. That motion is unopposed. Defendants also ask the Court to designate certain materials as confidential under the protective order, including the Department of Correction Investigations Division file for the incident underlying this matter, personnel records and disciplinary histories for the individual correction officers, full names and contact information of non-party individuals and/or witnesses, and the decedent's medical and mental health records. *Id.*


Based on the representation of the parties that discovery in this case will involve confidential documents and information, the Court GRANTS the motion for entry of the model protective order. Defendants shall submit a form of the model protective order for the Court to so-order by Friday, August 7, 2020, at 5:00 p.m.

The Court DENIES the application as premature to the extent it seeks a determination that the specified materials should be treated as confidential under the protective order. The Court's model protective order specifies that the producing party in the first instance may designate as confidential those portions of the discovery materials that qualify as

confidential. However, it also provides in Section 8 that a party who objects to the confidentiality designation may serve a written notice stating with particularity the grounds of the objection and, that if the parties cannot reach agreement promptly, to address their dispute to this Court. Defendants have neither designated those portions of the discovery materials that are truly confidential, nor have they afforded Plaintiff an opportunity to object to the confidentiality determination. The parties should follow the procedures set forth in the protective order.

SO ORDERED.

Dated: August 6, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge